



*Office of the United States Attorney  
District of Arizona*

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## **PRESS RELEASE**

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**FOR IMMEDIATE RELEASE**  
**November 26, 2003**

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# **PHOENIX RESIDENT SENTENCED TO 37 MONTHS IN PRISON AFTER SETTING OFF A PIPE BOMB IN ORDER TO HARASS HIS EX-GIRLFRIEND**

**PHOENIX, ARIZONA** –Paul K. Charlton, U.S. Attorney for the District of Arizona, and Virginia O'Brien, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms and Explosives, announced that on November 25, 2003, BRIAN NICHOLAS (DOB 11- 11- 1972) of Phoenix, Arizona, was sentenced to 37 months in prison, and ordered to perform 100 hours of community service and pay \$350 in restitution, for the Unlawful Manufacture and Unlawful Possession of an Unregistered Pipe Bomb in violation of 26 U.S.C. §§ 5861(d) and 5861(f), by United States District Judge Roslyn O. Silver, in Phoenix, Arizona.

On August 28, 2003, Nicholas entered guilty pleas to the charges without a written plea agreement. In the course of the sentencing, the government set forth the following facts for the Court's consideration. On April 22, 2003, an ATF special agent and several Phoenix police detectives responded to the scene of an explosion on East Cambridge Street in Phoenix, Arizona. Numerous persons on the scene advised they had heard a loud explosion at approximately 3:45 a.m. ATF agents found a van with body damage and a damaged window on a neighbor's residence which was over 60 yards away from the detonation site. The

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occupant believed a drive-by shooting had just occurred.

When law enforcement officers interviewed an occupant of a residence near where the explosion occurred, they learned the woman had an order of protection against her former boyfriend, Brian Nicholas, who was prohibited from harassing his ex-girlfriend or being within 300 feet of her residence. The girlfriend also advised that Nicholas had exploded a small pipe bomb out in the desert several months prior to the bombing at her house and had threatened to blow up her mother's house the previous New Year's Eve.

ATF agents interviewed Nicholas about the bombing. Nicholas admitted he had made the pipe bomb because he was upset with his ex-girlfriend and wanted to set the bomb off in order to scare the occupants of his ex-girlfriend's house. Nicholas also admitted he used methamphetamine and had last used the drug the weekend before the Tuesday morning bombing.

This prosecution is another success for the District of Arizona's Project Safe Neighborhood's firearms enforcement program. The effectiveness of Project Safe Neighborhoods in Arizona is based on the ability of federal, state, and local agencies to cooperate in a unified offensive that is led by United States Attorney Paul K. Charlton. One of the priorities of Project Safe Neighborhoods is the apprehension and prosecution of individuals who simultaneously use and possess dangerous drugs such as methamphetamine and dangerous weapons such as pipe bombs.

Convictions for Unlawful Manufacture and Unlawful Possession of an Unregistered Destructive Device, in violation of 26 U.S.C. §§ 5861(f) and 5861(d) respectively, each carry a maximum penalty of 10 years imprisonment, a \$10,000.00 fine or both.

The investigation in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Phoenix Police Department.

CASE NUMBERS: CR-03-462-PHX-ROS

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